

BAKER & HOSTETLER LLP

45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Heather R. Wlodek
Email: hwlodek@bakerlaw.com

Presentment Date: May 9, 2023

Time: 12:00 p.m.

Objections Due: May 9, 2023

Time: 11:00 a.m.

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

**TRUSTEE'S APPLICATION FOR AN AMENDED ORDER APPROVING THE
RETENTION OF BOWMAN AND BROOKE LLP AS SPECIAL COUNSEL**

Irving H. Picard (the "Trustee"), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* ("SIPA"), and the Chapter 7 estate of Bernard L. Madoff (together with BLMIS, the "Debtor"), by and through his undersigned counsel, hereby submits this Application for an amended order regarding the retention of Bowman and Brooke

LLP (“Bowman”) as special counsel and respectfully represents as follows:

Jurisdiction

1. This Court has jurisdiction over this Application under SIPA section 78eee(b) and 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue in this District is proper under 28 U.S.C. §§ 1408 and 1409.

2. The statutory predicates for the relief sought herein are section 78eee(b)(3) of SIPA, sections 327(a), 328, and 330 of the Bankruptcy Code, and Fed. R. Bankr. P. 2014.

Background

3. On December 11, 2008, the Securities and Exchange Commission filed a complaint in the United States District Court for the Southern District of New York against Bernard L. Madoff and BLMIS, alleging that Madoff and BLMIS engaged in fraud through the investment advisory activities of BLMIS. *See United States v. Madoff*, No. 08 CV 10791 (S.D.N.Y. 2008).

4. On December 15, 2008, the Honorable Louis L. Stanton of the United States District Court for the Southern District of New York entered an order pursuant to SIPA, which in pertinent part:

- a) appointed the Trustee for the liquidation of the business of BLMIS pursuant to section 78eee(b)(3) of SIPA;
- b) appointed Baker & Hostetler LLP as counsel to the Trustee pursuant to section 78eee(b)(3) of SIPA; and
- c) removed the case to this Bankruptcy Court pursuant to section 78eee(b)(4) of SIPA.

5. Issues have arisen in the State of Florida that require the Trustee’s representation by local counsel. The Trustee seeks Bowman’s assistance with post-judgment discovery in the

State of Florida. The Trustee believes the estate will best be served, and the Trustee will best be able to perform his duties, with the assistance of local counsel.

6. On October 8, 2021, this Court previously approved the retention of Bowman as special counsel in Arizona. Order, ECF No. 20792.

Relief Requested

7. An amended order authorizing the retention of Bowman will allow the Trustee to expand the retention of Bowman to include services in the State of Florida. Ms. Vanessa Merassaint, a senior counsel at Bowman, is an experienced litigator with expertise in commercial litigation.

8. The services of Bowman and Ms. Merassaint are necessary and essential to enable the Trustee to execute faithfully his duties in the SIPA liquidation proceeding. The Trustee, therefore, proposes to expand his prior retention of Bowman as his special counsel in Florida with regard to litigation and any similar matters as directed by the Trustee.

9. The Trustee submits that the retention of Bowman is permissible under section 78eee(b)(3) of SIPA and is in the best interest of the Debtor's estate, customers, and creditors. To the best of the Trustee's knowledge, as disclosed in Ms. Merassaint's declaration of disinterestedness annexed hereto as Exhibit A, the partners of Bowman are disinterested pursuant to sections 78eee(b)(3) and 78eee(b)(6) of SIPA and do not hold or represent any interest adverse to the Debtor's estate with respect to the matter for which Bowman is to be retained.

10. Bowman is willing to act on the Trustee's behalf to render the foregoing professional services and will be compensated at agreed upon rates, listed below, which reflect a reduction of its normal rates by at least ten percent (10%). Applications for compensation to Bowman will be filed with this Court pursuant to applicable statutes, rules, and orders of this Court. Bowman's rate information is as follows:

Title	Rate	Discounted Rate
Partners	\$505.00	\$454.00
Associates	\$378.00	\$340.00
Paralegals	\$167.00	\$150.00

Bowman and Baker & Hostetler will coordinate so there will be no duplication of efforts.

11. SIPC has no objection to this Application and, pursuant to SIPA section 78eee(b)(3), SIPC specifies and approves of the retention of Bowman as the Trustee's special counsel in Florida.

Notice

12. Notice of this Application will be provided by U.S. Mail or email to (i) all parties included in the Master Service List as defined in the Order Establishing Notice Procedures (ECF No. 4560); (ii) all parties that have filed a notice of appearance in this case; (iii) the SEC; (iv) the IRS; (v) the United States Attorney for the Southern District of New York; and (vi) SIPC, pursuant to the Order Establishing Notice Procedures (ECF No. 4560). The Trustee submits that no other or further notice is required.

WHEREFORE, the Trustee respectfully requests that the Court enter an order substantially in the form of Exhibit B hereto, (a) granting this Application; (b) authorizing the Trustee to employ Bowman as special counsel in Florida for the purposes described herein; and (c) granting the Trustee such other and further relief as is just and proper.

Dated: May 1, 2023
New York, New York

Respectfully submitted,

/s/ David J. Sheehan

Baker & Hostetler LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
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